

UNITED STATES DISTRICT COURT

FOR THE  
DISTRICT OF MASSACHUSETTS  
CLERKS OFFICE

Civil Action No. 04-30177-PBS

JOEL PENTLARGE,

Plaintiff, U.S. DISTRICT COURT  
DISTRICT OF MASS

vs.

ROBERT MURPHY, et al.,

Defendants.

PLAINTIFF'S MOTION TO EXTEND TIME  
FOR FILING A MEMORANDUM OF LAW  
IN OPPOSITION TO THE DEFENDANTS' MOTION TO DISMISS

The plaintiff Joel Pentlarge moves that the court extend the time for the plaintiff to file a memorandum of law in opposition to the motion to dismiss of the defendants Murphy, Dennehy and the Massachusetts Department of Correction until May 6, 2005.

In support of this motion the plaintiff states:

1. On February 25, 2005 I was hospitalized to remove a tumor from my bladder. Although at this point the surgery appears to have gone well, I still do not have the results of the pathologist back, and I do not know what further treatment will be required.

2. All medical appointments here at the Nemasket Correctional Center are scheduled for the same time as when the library is open to civil residents. This week for instance, out of a possible roughly twelve hours per week that the library is open, I have only been able to access it for four hours, because of being in hospital, recuperating, and medical appointments.

3. Even with the best of circumstances access to the law library is difficult. There are more prisoners who wish to use the library on many days than there is space available.

On many days I have been turned away from the law library, because of it is already full. Additionally, several times per month the library will be closed due a lack of staff.

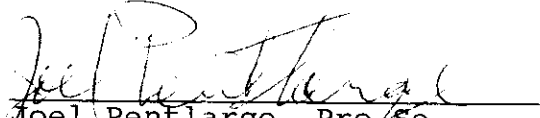
4. The limited access to the law library is exacerbated by the refusal of the defendants to make copies of cases for me to bring back to my cell. All of my time in the library is taken up with hand copying or typing the relevant passages of cases which I wish to cite.

5. I am further slowed down by the refusal of the defendants to allow me to have any kind of word processor or computer. Every page that I submit to the court has to be hand typed and then completely re-typed to make any significant corrections or revisions.

6. There are several other cases which am working on which are also making demands on my time and the limited access to the law library that I have. For instance, in Pentlarge v. Spencer, U.S. District Court Docket No. 02-11490-NG, under the discovery schedule in effect there is a motion to compel discovery which I should be working on right now. In Pentlarge v. Compass Group, Mass. Appeals Court Docket No. 2004-P-1258, I anticipate having to file a reply brief in reponse to the appellees' briefs which are due on the Ides of March.

The plaintiff therefore respectfully requests this extension of time through May 6, 2005 to file a memorandum in opposition to the defendants motion to dismiss.

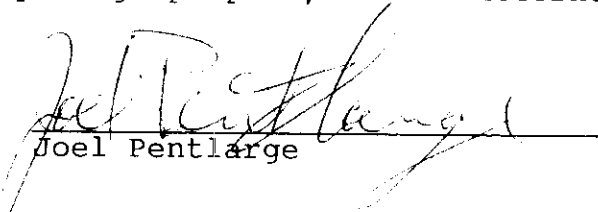
Joel Pentlarge, Plaintiff

  
Joel Pentlarge, Pro Se  
Nemasket Correctional Center  
30 Administration Rd.  
Bridgewater, MA 02324  
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Certificate of Service

I, Joel Pentlarge, state under the pains and penalties of perjury that I have served a copy of the foregoing motion to extend time on Attorney Kevin W. Mulvey, 1622A Beacon St., Brookline, MA by first class mail postage prepaid, and on Attorney Mary Murray by DOC Mail.

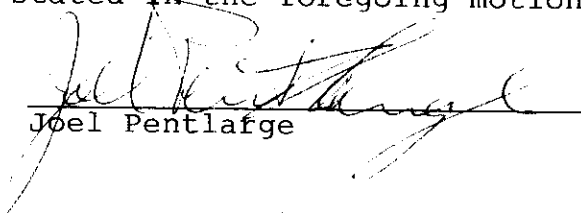
March 5, 2005

  
Joel Pentlarge

Verification

I, Joel Pentlarge, state under the pains and penalties of perjury that all of the facts stated in the foregoing motion are true.

March 4, 2005

  
Joel Pentlarge